

HR 288 IH

107th CONGRESS

1st Session

H. R. 288

To amend title 10, United States Code, to extend eligibility to use the military health care system and commissary stores to an unremarried former spouse of a member of the uniformed services if the member performed at least 20 years of service which is creditable in determining the member's eligibility for retired pay and the former spouse was married to the member for a period of at least 17 years during those years of service.

IN THE HOUSE OF REPRESENTATIVES

January 30, 2001

Mrs. MINK of Hawaii (for herself, Mr. FALEOMAVAEGA, Ms. MCKINNEY, Mrs. CHRISTENSEN, Mr. FILNER, and Mr. FROST) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to extend eligibility to use the military health care system and commissary stores to an unremarried former spouse of a member of the uniformed services if the member performed at least 20 years of service which is creditable in determining the member's eligibility for retired pay and the former spouse was married to the member for a period of at least 17 years during those years of service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COVERAGE UNDER THE MILITARY HEALTH CARE SYSTEM FOR CERTAIN FORMER SPOUSES.

(a) COVERAGE GENERALLY- Section 1072(2) of title 10, United States Code, is amended--

(1) by striking `and' at the end of subparagraph (H);

(2) by striking the period at the end of subparagraph (I) and inserting `; and'; and

(3) by adding at the end the following:

`(J) a person who (i) is the unremarried former spouse of a member or former member who performed at least 20 years of service which is creditable in determining the member or former member's eligibility for retired or retainer pay, or equivalent pay, and on the date of the final decree of divorce, dissolution, or annulment, had been married to the member or former member for a period of at least 17 years during the period the member or former member performed service creditable in determining the member or former member's eligibility for retired or retainer pay, and (ii) does not have medical coverage under an employer-sponsored health plan.'

(b) CONFORMING AMENDMENTS- (1) Section 1072(2)(H) of title 10, United States Code, is amended--

(A) by inserting after `who' the following: `does not qualify as a dependent under subparagraph (J) but who'; and

(B) by striking `clause (G)' and inserting `subparagraph (G)'.

(2) Section 1078a(b)(3)(C) of such title is amended by striking `or (G)' and inserting `, (G), or (J)'.

(3) Section 1086(c)(3) of such title is amended by striking `or (H)' and inserting `(H), or (J)'.

(c) EFFECT OF COVERAGE ON EXISTING FORMER SPOUSES- An unremarried former spouse of a member or former member of the uniformed services described in subparagraph (J) of section 1072(2) of title 10, United States Code, as added by subsection (a), whose date of final decree of divorce, dissolution, or annulment is before the date of the enactment of this Act shall be eligible to receive health care benefits and services provided under chapter 55 of such title as a result of operation of such subparagraph only if--

(1) the former spouse files an application with the Secretary of Defense not later than one year after the date of the enactment of this Act requesting such medical and dental care and certifying that the former spouse satisfies the conditions for eligibility; and

(2) the Secretary determines that the former spouse does in fact satisfy the conditions for eligibility.

**SEC. 2. EXTENSION OF COMMISSARY BENEFITS TO CERTAIN
FORMER SPOUSES.**

(a) **EXTENSION OF BENEFITS-** Section 1062 of title 10, United States Code, is amended by inserting `or (J)(i)' after `subparagraph (F)(i)'.

(b) **APPLICABILITY-** The amendment made by subsection (a) applies to an unremarried former spouse of a member or former member of the uniformed services described in subparagraph (J) of section 1072(2) of such title, as added by section 1(a), whose date of final decree of divorce, dissolution, or annulment is before, on, or after the date of the enactment of this Act.

END